
By: **Chairman, Judiciary Committee (Departmental - Public Safety and
Correctional Services)**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2002

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Sex Offender Registration**

3 FOR the purpose of altering ~~certain definitions under certain provisions of law~~
4 requiring registration of certain offenders; clarifying the registration
5 requirements of persons who move into the State or enter it for certain purposes;
6 requiring that certain registrants supply certain information on the registration
7 statement; clarifying the calculation of the term of registration; altering certain
8 notification requirements the definition of "sexually violent offense" to include
9 certain crimes committed in certain jurisdictions that if committed in this State
10 would constitute certain offenses; altering the definition of "sexually violent
11 predator" to include certain offenders and certain persons who have been
12 determined to be sexually violent predators under the laws of certain
13 jurisdictions; requiring a certain sex offender registrant who commences or
14 terminates a certain enrollment or employment at an institution of higher
15 education in the State to provide a certain notice within a certain time period;
16 requiring a certain registration statement to include the name and address of a
17 certain institution of higher education if a certain registrant is enrolled or
18 carrying on employment or expecting to enroll or carry on employment in a
19 certain manner; clarifying the calculation of a certain term of registration;
20 requiring that certain notifications be mailed to certain campus police agencies
21 or law enforcement agencies having a certain jurisdiction within a certain time
22 period under certain circumstances; requiring certain institutions to provide
23 certain advice to a campus community; providing that an institution of higher
24 education is not prohibited from disclosing certain information; providing that it
25 is a misdemeanor subject to a certain penalty to knowingly fail to provide a
26 certain notice; altering certain definitions; defining certain terms; making
27 certain conforming changes; and generally relating to the registration of certain

1 sex offenders.

2 BY adding to

3 Article - Criminal Procedure

4 Section 11-701(b-1) and 11-705(e)

5 Annotated Code of Maryland

6 (2001 Volume)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Procedure

9 Section 11-701~~(h)~~ (f), (g), (h), and (i), 11-704, 11-706, 11-707, 11-708(a) and (c),
10 11-710, 11-711, and 11-721

11 Annotated Code of Maryland

12 (2001 Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Criminal Procedure**

16 11-701.

17 (h) ~~"Sexually violent predator" means a [person] SEXUALLY VIOLENT~~
18 ~~OFFENDER who:~~

19 (1) ~~is convicted of a subsequent sexually violent offense; and~~

20 (2) ~~has been determined in accordance with this subtitle to be at risk of~~
21 ~~committing another sexually violent offense.~~

22 (B-1) "EMPLOYMENT" MEANS AN OCCUPATION, JOB, OR VOCATION THAT IS
23 FULL-TIME OR PART-TIME FOR A PERIOD EXCEEDING 14 DAYS OR FOR AN
24 AGGREGATE PERIOD EXCEEDING 30 DAYS DURING A CALENDAR YEAR, WHETHER
25 FINANCIALLY COMPENSATED, VOLUNTEERED, OR FOR THE PURPOSE OF
26 GOVERNMENT OR EDUCATIONAL BENEFIT.

27 (f) "Sexually violent offender" means a person who:

28 (1) has been convicted of a sexually violent offense; OR

29 (2) has been convicted of an attempt to commit a sexually violent
30 offense]; or

31 (3) has been convicted in another state or in a federal, military, or Native
32 American tribal court of a crime that, if committed in this State, would constitute a
33 sexually violent offense].

34 (g) "Sexually violent offense" means:

1 (1) a violation of Article 27, § 462, § 463, § 464, § 464A, § 464B, or § 464F
2 of the Code; [or]

3 (2) assault with intent to commit rape in the first or second degree or a
4 sexual offense in the first or second degree as prohibited on or before September 30,
5 1996, under former Article 27, § 12 of the Code; OR

6 (3) A CRIME COMMITTED IN ANOTHER STATE OR IN A FEDERAL,
7 MILITARY, OR NATIVE AMERICAN TRIBAL JURISDICTION THAT, IF COMMITTED IN
8 THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF
9 THIS SUBSECTION.

10 (h) "Sexually violent predator" means:

11 (1) a [person] SEXUALLY VIOLENT OFFENDER who:

12 [(1)] (I) is convicted of a [subsequent] sexually violent offense; and

13 [(2)] (II) has been determined in accordance with this subtitle to be at
14 risk of committing another sexually violent offense; OR

15 (2) A PERSON WHO HAS BEEN DETERMINED TO BE A SEXUALLY
16 VIOLENT PREDATOR UNDER THE LAWS OF ANOTHER STATE OR A FEDERAL,
17 MILITARY, OR NATIVE AMERICAN TRIBAL JURISDICTION.

18 (i) "Supervising authority" means:

19 (1) the Secretary, if the registrant is in the custody of a correctional
20 facility operated by the Department;

21 (2) the administrator of a local correctional facility, if the registrant,
22 including a participant in a home detention program, is in the custody of the local
23 correctional facility;

24 (3) the court that granted the probation or suspended sentence, except as
25 provided in item (11) of this subsection, if the registrant is granted probation before
26 judgment, probation after judgment, or a suspended sentence;

27 (4) the Director of the Patuxent Institution, if the registrant is in the
28 custody of the Patuxent Institution;

29 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
30 the custody of a facility operated by the Department of Health and Mental Hygiene;

31 (6) the court in which the registrant was convicted, if the registrant's
32 sentence does not include a term of imprisonment;

33 (7) the Secretary, if the registrant is in the State under terms and
34 conditions of the Uniform Act for Out-of-State Parolee Supervision, set forth in Title
35 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
36 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

1 (8) the Secretary, if the registrant moves to this State and was convicted
 2 in another state of a crime that would require the registrant to register if the crime
 3 was committed in this State;

4 (9) the Secretary, if the registrant moves to this State from another state
 5 where the registrant was required to register;

6 (10) THE SECRETARY, IF THE REGISTRANT IS CONVICTED IN A FEDERAL,
 7 MILITARY, OR NATIVE AMERICAN TRIBAL COURT AND IS NOT UNDER SUPERVISION
 8 BY ANOTHER SUPERVISING AUTHORITY;

9 [(10)] (11) the Secretary, if the registrant is not a resident of this State
 10 AND HAS BEEN CONVICTED IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR
 11 NATIVE AMERICAN TRIBAL COURT; or

12 [(11)] (12) The Director of Parole and Probation, if the registrant is
 13 under the supervision of the Division of Parole and Probation.

14 11-704.

15 A person shall register with the person's supervising authority if the person is:

16 (1) a child sexual offender;

17 (2) an offender;

18 (3) a sexually violent offender;

19 (4) a sexually violent predator;

20 (5) a child sexual offender who, before moving into this State, was
 21 required to register in another state or by a federal, military, or Native American
 22 tribal court for a crime that occurred before October 1, 1995;

23 (6) an offender~~},~~ ~~OR~~ sexually violent offender~~},~~ or sexually violent
 24 predator~~}~~ who, before moving into this State, was required to register in another
 25 state or by a federal, military, or Native American tribal court of a crime that occurred
 26 before July 1, 1997; ~~for}~~

27 (7) a child sexual offender, offender, ~~OR~~ sexually violent offender~~},~~ or
 28 sexually violent predator~~}~~ who is required to register in another state, who is not a
 29 resident of this State, and who enters this State:

30 (i) to carry on employment [or a vocation that is full-time or
 31 part-time for a period exceeding 14 days or for an aggregate period exceeding 30 days
 32 during a calendar year, whether financially compensated, volunteered, or for the
 33 purpose of government or educational benefit]; or

34 (ii) to attend a public or private educational institution, including a
 35 secondary school, trade or professional institution, or institution of higher education,
 36 as a full-time or part-time student~~},~~ ~~OR~~

1 (8) A PERSON WHO:

2 (I) ~~BEFORE MOVING TO THIS STATE WAS REQUIRED TO REGISTER~~
3 ~~EVERY 90 DAYS FOR LIFE IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR~~
4 ~~NATIVE AMERICAN TRIBAL COURT; OR~~

5 (II) ~~IS REQUIRED TO REGISTER EVERY 90 DAYS FOR LIFE IN~~
6 ~~ANOTHER STATE, WHO IS NOT A RESIDENT OF THIS STATE, AND WHO ENTERS THIS~~
7 ~~STATE AS DESCRIBED IN ITEM (7)(I) OR (II) OF THIS SECTION.~~

8 11-705.

9 (E) (1) A REGISTRANT WHO COMMENCES OR TERMINATES ENROLLMENT AS
10 A FULL-TIME OR PART-TIME STUDENT AT AN INSTITUTION OF HIGHER EDUCATION
11 IN THE STATE SHALL SEND WRITTEN NOTICE TO THE DEPARTMENT WITHIN 7 DAYS
12 AFTER THE COMMENCEMENT OR TERMINATION OF ENROLLMENT.

13 (2) A REGISTRANT WHO COMMENCES OR TERMINATES CARRYING ON
14 EMPLOYMENT AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, SHALL
15 SEND WRITTEN NOTICE TO THE DEPARTMENT WITHIN 7 DAYS AFTER THE
16 COMMENCEMENT OR TERMINATION OF EMPLOYMENT.

17 11-706.

18 (a) A registration statement shall include:

19 (1) the registrant's name and address;

20 (2) (i) for a registrant under § 11-704(7)(i) of this subtitle, the
21 registrant's place of employment; or

22 (ii) for a registrant under § 11-704(7)(ii) of this subtitle, the
23 registrant's place of educational institution or school enrollment;

24 (3) ~~FOR A REGISTRANT WHO IS EMPLOYED, CARRIES ON A VOCATION, OR~~
25 ~~IS A STUDENT AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE, THE NAME~~
26 ~~AND ADDRESS OF THE APPLICABLE EDUCATIONAL INSTITUTION~~

27 (I) FOR A REGISTRANT ENROLLED, OR EXPECTING TO ENROLL, IN
28 AN INSTITUTION OF HIGHER EDUCATION IN THE STATE AS A FULL-TIME OR
29 PART-TIME STUDENT, THE NAME AND ADDRESS OF THE INSTITUTION OF HIGHER
30 EDUCATION; OR

31 (II) FOR A REGISTRANT WHO CARRIES ON EMPLOYMENT, OR
32 EXPECTS TO CARRY ON EMPLOYMENT, AT AN INSTITUTION OF HIGHER EDUCATION
33 IN THE STATE, THE NAME AND ADDRESS OF THE INSTITUTION OF HIGHER
34 EDUCATION;

35 [(3)] (4) a description of the crime for which the registrant was
36 convicted;

- 1 [(4)] (5) the date that the registrant was convicted;
- 2 [(5)] (6) the jurisdiction in which the registrant was convicted;
- 3 [(6)] (7) a list of any aliases that the registrant has used;
- 4 [(7)] (8) the registrant's Social Security number; and
- 5 [(8)] (9) the registrant's signature and date signed.

6 (b) If the registrant is a sexually violent predator, ~~OR IF THE REGISTRANT IS~~
7 ~~REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE~~, the registration
8 statement shall also include:

- 9 (1) identifying factors, including a physical description;
- 10 (2) anticipated future residence, if known at the time of registration;
- 11 (3) offense history; and
- 12 (4) documentation of treatment received for a mental abnormality or
13 personality disorder.

14 11-707.

15 (a) (1) A child sexual offender shall register annually in person with a local
16 law enforcement unit for the term provided under paragraph (4) of this subsection.

17 (2) An offender and a sexually violent offender shall register annually
18 with the Department in accordance with § 11-711(a) of this subtitle and for the term
19 provided under paragraph (4) of this subsection.

20 (3) A sexually violent predator ~~AND A REGISTRANT REQUIRED TO~~
21 ~~REGISTER UNDER § 11-704(8) OF THIS SUBTITLE~~ shall register every 90 days in
22 accordance with § 11-711(b) of this subtitle and for the term provided under
23 paragraph (4)(ii) of this subsection.

24 (4) The term of registration is:

- 25 (i) 10 years; or
- 26 (ii) life, if:

27 1. the registrant has been determined to be a sexually violent
28 predator in accordance with the procedures described in § 11-703 of this subtitle ~~OR~~
29 ~~IS A REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE~~;

30 2. the registrant has been convicted of any violation of Article
31 27, §§ 462 through 464B of the Code; or

1 3. the registrant has been previously required to register and
2 has been convicted of a subsequent crime as a child sexual offender or an offender or
3 has been convicted of a subsequent sexually violent offense.

4 (5) A registrant who is not a resident of the State shall register for the
5 appropriate time specified in this subsection or until the registrant's employment or
6 student enrollment in the State ends.

7 (b) A term of registration described in this section shall be computed from:

8 (1) the last date of release; [or]

9 (2) the date granted [probation] PROBATION; or

10 (3) THE DATE GRANTED a suspended sentence.

11 11-708.

12 (a) When a registrant registers, the supervising authority shall:

13 (1) give written notice to the registrant of the requirements of this
14 subtitle;

15 (2) explain the requirements of this subtitle to the registrant, including:

16 (i) the duties of a registrant when the registrant changes residence
17 address in this State;

18 (ii) ~~THE DUTIES OF A REGISTRANT WHEN THE REGISTRANT~~
19 ~~BEGINS, CHANGES, OR TERMINATES ENROLLMENT, EMPLOYMENT, OR VOCATIONAL~~
20 ~~STATUS AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE UNDER §~~
21 ~~11-705(E) OF THIS SUBTITLE;~~

22 (III) the requirement for a child sexual offender to register in person
23 with the local law enforcement unit of the county where the child sexual offender will
24 reside or where the child sexual offender who is not a resident of this State will work
25 or attend school; and

26 [(iii)] (IV) the requirement that if the registrant changes
27 residence address, employment, or school enrollment to another state that has a
28 registration requirement, the registrant shall register with the designated law
29 enforcement unit of that state within 7 days after the change; and

30 (3) obtain a statement signed by the registrant acknowledging that the
31 supervising authority explained the requirements of this subtitle and gave written
32 notice of the requirements to the registrant.

33 (c) (1) Within 5 days after obtaining a registration statement, the
34 supervising authority shall send a copy of the registration statement with the
35 attached fingerprints and photograph of the registrant to the local law enforcement

1 unit in the county where the registrant will reside or where a registrant who is not a
2 resident will work or attend school.

3 (2) (I) IF THE REGISTRANT IS ENROLLED IN OR CARRIES ON
4 EMPLOYMENT AT, OR IS EXPECTING TO ENROLL IN OR CARRY ON EMPLOYMENT AT,
5 AN INSTITUTION OF HIGHER EDUCATION IN THE STATE, WITHIN 5 DAYS AFTER
6 OBTAINING A REGISTRATION STATEMENT, THE SUPERVISING AUTHORITY SHALL
7 SEND A COPY OF THE REGISTRATION STATEMENT WITH THE ATTACHED
8 FINGERPRINTS AND PHOTOGRAPH OF THE REGISTRANT TO THE CAMPUS POLICE
9 AGENCY OF THE INSTITUTION OF HIGHER EDUCATION.

10 (II) IF AN INSTITUTION OF HIGHER EDUCATION DOES NOT HAVE A
11 CAMPUS POLICE AGENCY, THE COPY OF THE REGISTRATION STATEMENT WITH THE
12 ATTACHED FINGERPRINTS AND PHOTOGRAPH OF THE REGISTRANT SHALL BE
13 PROVIDED TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY
14 JURISDICTION FOR THE CAMPUS.

15 11-710.

16 (A) As soon as possible but not later than 5 working days after receipt of notice
17 of a registrant's change of address, the Department shall give notice of the change:

18 (1) if the registration is premised on a conviction under federal, military,
19 or Native American tribal law, to the designated federal unit; and

20 (2) (i) to the local law enforcement unit in whose county the new
21 residence is located; or

22 (ii) if the new residence is in a different state that has a
23 registration requirement, to the designated law enforcement unit in that state.

24 (B) (1) (I) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS
25 AFTER RECEIPT OF NOTICE CONCERNING A REGISTRANT'S CHANGE OF STATUS
26 UNDER SECTION 11-705(D) UNDER § 11-705(E) OF THIS SUBTITLE, THE DEPARTMENT
27 SHALL GIVE NOTICE TO THE INSTITUTION'S CAMPUS POLICE AGENCY: OF THE
28 INSTITUTION OF HIGHER EDUCATION WHERE THE REGISTRANT IS COMMENCING OR
29 TERMINATING ENROLLMENT OR EMPLOYMENT.

30 (II) IF AN INSTITUTION OF HIGHER EDUCATION DOES NOT HAVE A
31 CAMPUS POLICE AGENCY, THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE
32 PROVIDED TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING PRIMARY
33 JURISDICTION FOR THE CAMPUS.

34 (2) INSTITUTIONS OF HIGHER EDUCATION CURRENTLY REQUIRED TO
35 DISCLOSE CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS DATA MUST
36 ALSO ADVISE THE CAMPUS COMMUNITY WHERE LAW ENFORCEMENT AGENCY
37 INFORMATION PROVIDED BY A STATE CONCERNING REGISTERED SEX OFFENDERS
38 MAY BE OBTAINED.

1 (3) AN ~~EDUCATIONAL INSTITUTION~~ INSTITUTION OF HIGHER
2 EDUCATION IS NOT PROHIBITED FROM DISCLOSING INFORMATION PROVIDED TO
3 THE INSTITUTION UNDER THIS SUBTITLE CONCERNING REGISTERED SEX
4 OFFENDERS ~~WHO ARE REQUIRED TO REGISTER.~~

5 11-711.

6 (a) (1) The Department shall mail annually a verification form to the last
7 reported address of each offender and sexually violent offender.

8 (2) The verification form may not be forwarded.

9 (3) Within 10 days after receiving the verification form, the offender or
10 sexually violent offender shall sign the verification form and mail it to the
11 Department.

12 (b) (1) A local law enforcement unit shall mail a verification form every 90
13 days to the last reported address of a sexually violent predator ~~OR REGISTRANT~~
14 ~~REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE.~~

15 (2) The verification form may not be forwarded.

16 (3) Within 10 days after receiving the verification form, the sexually
17 violent predator ~~OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS~~
18 ~~SUBTITLE~~ shall sign the form and mail it to the local law enforcement unit.

19 (4) Within 5 days after receiving a verification form from a sexually
20 violent predator ~~OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS~~
21 ~~SUBTITLE~~, a local law enforcement unit shall send a copy of the verification form to
22 the Department.

23 11-721.

24 (a) A registrant may not knowingly fail to register, ~~KNOWINGLY FAIL TO~~
25 ~~PROVIDE THE WRITTEN NOTICE REQUIRED UNDER § 11-705(D) § 11-705(E) OF THIS~~
26 ~~SUBTITLE~~, or knowingly provide false information of a material fact as required by
27 this subtitle.

28 (b) A person who violates this section is guilty of a misdemeanor and on
29 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
30 \$5,000 or both.

31 (c) A person who violates this section is subject to § 5-106(b) of the Courts
32 Article.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2002.

